



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 3218**
Takuya KOBAYASHI et al. : Docket No. 2001_0309A
Serial No. 09/808,045 : Group Art Unit 2176
Filed March 15, 2001 :
CONTENT RETRIEVAL DEVICE

RECEIVED

JUN 1 8 2004

Technology Center 2100

PETITION TO MAKE SPECIAL

REQUEST FOR ACCELERATED EXAMINATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEE FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975.

Sir:

Petition is hereby made to make the above-identified application special and accelerate examination of this application. As per the requirements of MPEP 708.02, Section VIII, the Applicants hereby provide each of the required items (A) - (E) as follows.

(A) Accompanied with this Petition to make special is the required fee set forth in 37 C.F.R. 1.17(h);

(B) The Applicants submit that all the claims presented in the Preliminary Amendment submitted concurrently herewith are clearly directed to a single invention. In the event, however, that the Patent Office takes the position that all the claims presented are not obviously directed to a single invention, the Applicants hereby offer to make an election without traverse;

(C) It is submitted that a preexamination search was made in the European Patent Office and the field of search is listed as follows:

- International Classifications H04L and G06F.

(D) An Information Disclosure Statement together with a European Search Report, a Form PTO-1449 listing the references cited on the European Search Report, and a copy of each of the references listed on the Form PTO-1229 were submitted to the Patent Office on January 28, 2004. The European Search Report constitutes the preexamination search. Of the references submitted to the Patent Office and cited on the January 28, 2004 Form PTO-1449 and the European Search Report submitted therewith, the Applicants submit that the following reference is deemed most closely related to the subject matter encompassed by the claims of the present application:

U.S. Patent No. 5,838,682

A courtesy copy of the European Search Report and the above-identified reference accompany the present Petition.

(E) The Applicants provide the following detailed discussion of the above-mentioned reference which points out how the claimed subject matter of the present application is patentable over the reference.

DETAILED DISCUSSION

An outstanding feature of the present invention, as recited in independent claims 1, 6, 11 and 16, is providing a content retrieval device which can select, prior to the reception of content data from a server, a suitable connection method for retrieving the content data from the server from among a plurality of connection methods by using a multi-call function.

Conventional content retrieval devices used only either one of a circuit switching connection method or a packet switching connection method to retrieve content data from a server. Under the circuit switching connection method, a physical communication path is established between one caller and one call receiver, and the communication path between the

caller and the call receiver is maintained throughout the call and cannot be interrupted by another caller. Thus, the circuit switching method of communication allows for data communication which is free from outside interference and thus is suitable for the transmission of large-size content data such as a moving picture file. On the other hand, the packet switching connection method of communication allows for a communication path which is shared among a plurality of callers and call receivers. On the shared communication path, data is divided into packets and is transmitted together with other packets for other call exchanges. Thus, the packet switching communication method allows for inexpensive data communication by permitting multiple users to use the shared communication path, and thus is suitable for the transmission of smaller-size content data such as text files and e-mails. The packet switching communication method, however, is susceptible to the loss of packets and the reversal of the order of arrival of the packets, and thus, the packet switching communication method fails to assure a reliable transfer rate.

Content retrieval devices have been developed which are capable of switching between the circuit switching method of communication and the packet switching method of communication. Such content retrieval devices switch between the methods of the communication by monitoring the incoming data transfer amount on a communication path and selecting either the circuit switching connection method or the packet switching connection method based on the data transfer amount and the amount of communication traffic. It is difficult, however, for such content retrieval devices to select a particular connection method which is suitable for the type of incoming data communication since such content retrieval devices monitor the entire data transfer amount and the amount of communication traffic. Further, even if such content retrieval devices switch the communication method based on the status of the communication, a communication delay is caused according to the amount of time that is required to complete the switching from one connection method to another. Therefore, when a continuous data communication without interruption is required, such as when a moving picture is transmitted, the communication delay and the switching of the communication method when the large-size content data is being

transmitted causes a fatal error and will prevent the entire large-size content data from being received.

Accordingly, the present invention provides a content retrieval device, a content retrieval method, a program, and a program-recorded medium on which a program is recorded for retrieving content data from a server via a communication network. The content retrieval device, as recited in independent claim 1, comprises, in part, a protocol control section which is operable to select, prior to reception of the content data, a suitable connection method for the content data specified by a browser section of the content retrieval device from among a plurality of connection methods by using a multi-call function. The method, as recited in independent claim 6, the program-recorded medium, as recited in independent claim 11, and the program, as recited in independent claim 16, comprise, in part, selecting, prior to reception of the content data, a suitable connection method for the content data specified by a generating of a content retrieval request operation from among a plurality of connection methods by using a multi-call function.

Accordingly, as recited in independent claims 1, 6, 11 and 16, the present invention provides a content retrieval device, a method and a program for selecting a suitable connection method for a particular content data from among a plurality of connection methods prior to the reception of the content data from the server. Therefore, the present invention, as recited in independent claims 1, 6, 11 and 16, allows for large-size content data such as an audio file or a moving picture file to be received without any communication delay or an interruption of data communication and for smaller-size content data such as a text file or an e-mail, which do not require consideration as to communication delay and/or an interruption of data communication, to be received at a relatively low communication cost.

The Applicants respectfully submit that the above-described limitations, and the above-described advantages which are resultant therefrom, are clearly not anticipated, suggested or rendered obvious by the reference listed in item (D) above, for at least the following reasons.

U.S. Patent No. 5,838,682 to Dekelbaum et al.

Dekelbaum et al. discloses an apparatus and method for a client terminal which establishes communications with a remote node on a switched network (a first communications network), i.e., a public telephone switched network (PSTN), providing analog POTS or ISDN service based on hypertext dialing while also maintaining communication with the remote node over a packet data network (a second communications network), e.g., the Internet (see Column 5, line 66 to Column 6, line 13). In essence, Dekelbaum et al. provides an apparatus and method which allows a client to access a merchant's web site over the second communications network while simultaneously being able to establish a direct telephone connection to the merchant over the first communications network without having to disconnect the client's computer from the Internet, i.e., the second communications network.

In particular, as disclosed in Column 5, lines 47-53, Dekelbaum et al. provides a terminal device which retrieves information from a plurality remote information sites on a first communications network and, in response to the retrieved information, establishes communications with a remote node on a second communications network distinct from the first communications network (see also Column 8, line 61 to Column 9, line 9). The terminal device includes a first communications interface connected to the first communications network for receiving address data (e.g., telephone number) from a selected one of the remote information sites (see Column 5, lines 53-56).

Dekelbaum et al. also discloses that an input device, such as a mouse or trackball, is used to select, and thereby designate, the address data. A second communications interface is connected to the second communications network and, responsive to a designation of the address data by the input device, establishes communications with a selected one of the remote nodes corresponding to the address data (see Column 5, lines 59-65).

Accordingly, Dekelbaum et al. merely discloses that the terminal device first receives address data via the packet network (the second communications network) and then receives content data via the switched network (the first communications network).

The terminal device of Dekelbaum et al., however, does not select, prior to the reception of content data, a suitable connection method for the content data specified by a browser section from among a plurality of connection methods by using a multi-call function, as recited in claims 1, 6, 11 and 16.

Accordingly, Dekelbaum et al. clearly does not disclose or suggest each and every limitation as recited in claims 1, 6, 11 and 16. Therefore, Dekelbaum et al. clearly does not anticipate or render obvious the inventions of claims 1, 6, 11 and 16.

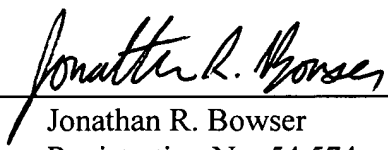
In view of the foregoing, since the Applicants have provided each of the necessary items (A) - (E) identified above, the Applicants respectfully submit that the Examiner grant this Petition to make this application special and accelerate examination of the present application.

Moreover, for at least the reasons found in item (E) above, it is submitted that the application is clearly allowable over the prior art of record.

In the event, however, that the Examiner feels there are any issues remaining which must be resolved before the application can be placed in condition for allowance, it is respectfully requested that the Examiner contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

Takuya KOBAYASHI et al.

By: 
Jonathan R. Bowser
Registration No. 54,574
Attorney for Applicants

JRB/nk
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
June 10, 2004